AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

The Fife & Drum, Inc.

Plaintiff

v.

Il Portico Restaurant

Defendant

Civil Action No. 17 Civ. 3676

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Il Portico Restaurant
273 West Route 130
Burlington, NJ 08016

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Barry Lewin
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York, NY 10016

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: ______________________

____
Signature of Clerk or Deputy Clerk

Civil Action No. 17 Civ. 3676

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* ______________________________
was received by me on *(date)* ________________ .

❒ I personally served the summons on the individual at *(place)* ______________________________
______________________________ on *(date)* ________________ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* ________________
________________ , a person of suitable age and discretion who resides there,
on *(date)* ________________ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* ______________________________ , who is
designated by law to accept service of process on behalf of *(name of organization)* ________________
______________________________ on *(date)* ________________ ; or

❒ I returned the summons unexecuted because ______________________________ ; or

❒ Other *(specify)*:
.

My fees are $ ________ for travel and $ ________ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: ________________

____
Server's signature

____
Printed name and title

____
Server's address

Additional information regarding attempted service, etc: